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SIPDIS

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SUBJECT: TESEV TO U/S BURNS: CONSTITUTIONAL REFORM IS THE
PRIORITY

REF: A. ISTANBUL 0050
[1](#)B. ISTANBUL 0664

[1](#)1. (U) This cable is sensitive but unclassified. Please
handle accordingly.

[1](#)2. (SBU) Leaders of Turkey's most progressive civil society
think tank, the Turkish Economic and Social Studies
Foundation, stressed to U/S Burns that while reform of
Article 301 was important, the government must carefully
decide where to spend its new-found political capital.
Constitutional reform that re-calibrates the balance of civil
and military authority has the potential to have a broader
impact and should therefore be given the highest priority.
The group also discussed the challenges facing the Ecumenical
Patriarchate and opined on the sources of anti-Americanism in
Turkey, underscoring the need for the U.S. to take concrete
actions against the PKK while warning about the risks
associated with the proposed U.S. congressional Armenian
"genocide" resolution. End summary.

ARTICLE 301

[1](#)3. (SBU) Turkish Economic and Social Studies Foundation
(TESEV) chairman Can Paker explained to U/S Burns during a
September 18 meeting that the government has decided to
change the controversial Turkish Penal Code Article 301 which
makes it a crime to insult "Turkishness." However, he
caveated, the administration hasn't decided whether to focus
on it as a single reform or address it within the context of
constitutional reform. Acknowledging the latter approach may
take longer than the U.S. and EU would prefer, Paker argued
constitutional reform is preferable because of its broader
implications. While change to Article 301 is necessary, he
noted, "other numbers exist."

[1](#)4. (SBU) The director of TESEV's democratization program
Etyen Mahcupyan further argued that the constitutional reform
process adds legitimacy to any associated changes that
result. Agreeing with Paker that Article 301-type reforms
must be done because they are right for Turkey and not just
because the EU demands them as part of Turkey's accession
process, Mahcupyan concluded the government is using the
constitutional reform process to assess the public's
tolerance for change in other areas. Noting the ruling
Justice and Development Party's (AKP's) strong performance
during the July 22 parliamentary elections and the subsequent
election of one of its own to the post of President, U/S
Burns made the case that now was a good time for the
government to take steps on initiating reforms. Paker agreed
but cautioned it would be wiser for the government to use its
political capital on establishing a genuine, liberal

constitution than to spend it on a single issue.

HALKI SEMINARY

15. (SBU) U/S Burns also expressed USG concerns for the rights of the Ecumenical Patriarchate, especially those regarding challenges to the Patriarch's ecumenical title and the re-opening of Halki Seminary. Paker stressed there was no legal ground for closing the seminary and that it was mainly a policy issue. Mahcupyan expounded that this policy has been sustained by fears of demands the Muslim community might make for opening its own Koranic schools should Halki Seminary be opened. While handing U/S Burns a study TESEV completed on the subject in December 2006 (ref A), Paker exclaimed TESEV is in favor of re-opening the seminary. At the same time, he added, legal actions concerning the ecumenicity of the Patriarch (ref B) are "nonsense" and simply the result of a nationalistic game that also has no legal basis.

ANTI-AMERICAN PUBLIC OPINION

16. (SBU) Asked why Turkish public opinion of the United States is so low, Mahcupyan responded there is a wide-spread perception that while the U.S. has made fighting terrorism a priority, it does not approach combating the PKK with the same urgency. Paker, however, cautioned U/S Burns not to be too focused on the results of a recent Pew Global Attitudes poll indicating Turkish public opinion of the United States is among the lowest in the world. "At times we've hated the Brits, the French and others," he asserted, noting that the questionnaire used for the poll was not formulated correctly.

Both Paker and Mahcupyan maintained that visible, concrete action against the PKK would quickly change public perceptions of the United States in Turkey. U/S Burns stressed the US has had the strongest position against the PKK and done more than any other country to combat it.

17. (SBU) Mensur Akgun, director of TESEV's foreign policy program argued the U.S. needs a broader change in policy to gain the respect of Muslim countries, to include demonstrating a greater esteem for the United Nations. The issues defining Turkish public perceptions of the U.S. are not monolithic, he asserted. U.S. pressure on Iraq to contain the PKK, the Cyprus initiative and the proposed U.S. congressional Armenian "genocide" resolution (AGR) all factor in, said Akgun. Regarding the latter issue, Paker and Akgun warned that the AGR is easily exploited and that it doesn't matter that the U.S. administration opposes it -- Turks will view this as America's opinion.

CIVIL-MILITARY BALANCE

18. (SBU) Responding to U/S Burns' suggestion that reaching out to Kurdish regional leader Barzani and Iraqi President Talabani would help the GOT gain Iraqi support for combating the PKK, Paker observed that the government is beginning to do that but Turkish foreign policy is "grossly" influenced by the military. A greater civil balance is necessary, he affirmed, lamenting that the military's involvement impedes progress on resolving these problems. Praising the current government for defending TESEV after the organization was condemned by the military for taking up the civil-military balance issue, Paker added, "until now, Turkey has had no foreign policy, only a foreign position." Mahcupyan conceded that the military is changing in response to a maturing public that no longer needs it to define and protect Turkish identity. Still, there are limits to the reforms the military will tolerate, he asserted. "No general wants that change while he's in office," warned Mahcupyan.

19. (U) U/S Burns cleared this message.

WIENER